

525 Rec'd PCT/PTO 12 OCT 2000

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Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.

A018 US

In Re Application Of: Gotwals et al.



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Serial No.

09/423,018

Filing Date

April 16, 1998

Examiner

Group Art Unit

Invention: TYPE II TGF-BETA RECEPTOR/IMMUNOGLOBULIN CONSTANT REGION FUSION PROTEINS

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

July 18, 2000

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (**REQUIRED**)
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

This Response to Notice to File Missing Parts of the Application is timely filed on 10 October 2000. Three Declaration and Power of Attorney for Patent Application are enclosed to complete the initial filing formalities. The Commissioner is hereby authorized to charge any fees which may be required in connection with the enclosed documents, or credits any overpayment to Deposit Account Number 02-2327. A duplicate copy of this Response is enclosed herewith.

10/16/2000 HBTZUNES 00000023 022327 09423018  
Sale Ref: 00000061 DH: 022327 09423018  
01 FC:154 130.00 CH

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Completion of application fees as calculated below:

Utility application filing fee \_\_\_\_\_

Design application filing fee \_\_\_\_\_

Total number of independent claims = \_\_\_\_\_

Total number of claims = \_\_\_\_\_

Multiple dependent claims \_\_\_\_\_

Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00

Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

Fee for processing an application filed with a non-English language specification \_\_\_\_\_

Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees \$130.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month     Two months     Three months     Four months     Five months

from: \_\_\_\_\_ Date \_\_\_\_\_ until: \_\_\_\_\_ Date \_\_\_\_\_

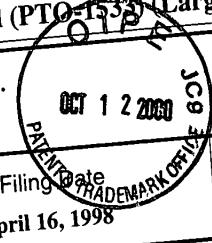
Total time extension fees \_\_\_\_\_

Total fees due \$130.00

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:  
Box Missing Parts

The fee of \$130.00 is to be paid as follows:

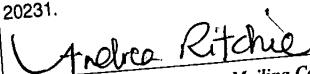
- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-2327  
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.

Dated: 10 October 2000

  
Signature

Warren A. Kaplan

I certify that this document and fee is being deposited on 10 October 2000 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Signature of Person Mailing Correspondence

Andrea Ritchie

Typed or Printed Name of Person Mailing Correspondence

CC:

09/423 P-18

OCT 12 2000

PATENT & TRADEMARK OFFICE  
U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

P A018

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

5071

PCT/US98/07587

INTERNATIONAL APPLICATION NO.

WARREN A KAPLAN  
BIOMEDICAL INC.  
14 CAMBRIDGE CENTER  
CAMBRIDGE MA 02142

I.A. FILING DATE 14/16/98 PRIORITY DATE 04/18/97

DATE MAILED: 07/18/00

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494),
- an Elected Office (37 CFR 1.495);
- U.S. Basic National Fee.
- Copy of the international application in:
  - a non-English language.
  - English.
- Translation of the international application into English.
- Oath or Declaration of inventors(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_
- Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed \_\_\_\_\_
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report  and copies of the references cited therein.
- Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.492(f)).

BIOGEN, INC. - IP DEPT.

JUL 24 2000

REFERRED TO WALK  
NOTED BY PHENTERED  
AR

REMINDER 31JL2000  
ACTION DUE 18SE2000  
END OF STAT 18FE2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

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 an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.

- Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:

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- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
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 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

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4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:

- PCT/DO/EO/917  
 PTO-875

FORM PCT/DO/EO/905 (December 1997)

- Notice of Defective Translation

*R.K.*  
 Paulette Kidwell, Paralegal  
 Telephone: 703-305-3656